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In re Application of

Bela NADAS

Application No.: 10/594,141

PCT No.: PCT/HU2005/000031

Int. Filing Date: 24 March 2005

Priority Date: 25 March 2004

Attorney's Docket No.: 84.1012

For: DRIVING MECHANISM

DECISION ON

PETITION

UNDER 37 CFR 1.181

This decision is in response to the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT," which is being treated as a petition under 37 CFR 1.181 requesting the removal of the holding of abandonment because the full U.S. Basic National Fee was timely authorized to be charged to petitioner's Deposit Account, and the account had sufficient funds to cover it.

**BACKGROUND**

On 24 March 2005, applicant filed international application PCT/HU2005/00031, which claimed priority of an earlier application filed 25 March 2004.

On 25 September 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, a request to charge \$450.00, which included the basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration or oath was submitted at such time.

On 20 April 2007, the Office mailed a "NOTICE OF ABANDONMENT," which indicated that applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)). There were insufficient funds to cover the \$450.00 charge as requested by the applicant.

On 11 June 2007, applicant filed the instant petition under 37 CFR 1.181 requesting that the holding of abandonment mailed on April 20, 2007 be withdrawn because although there was insufficient funds in the deposit account to cover the \$450.00 charge there was sufficient money in the account to pay the Basic National fee.

### **DISCUSSION**

A review of the printouts for the Deposit Account No.: 19-1070 for the application and time in question reveal that there were sufficient funds at the time the USPTO charged the above application on 19 April 2007 for the U.S. Basic National Fee. The record shows that the opening balance on April, 2007 was \$409.27 and the closing balance on April 30, 2007 was \$384.26, which was sufficient for the Office to charge the basic national fee.

Consequently, the aforementioned application was improperly abandoned for failure to pay the full U.S. Basic National Fee by 30 months.

Applicant has been charged the basic national fee of \$150.00 under 37 CFR 1.492(a) to Deposit Account No.: 19-1070.

### **CONCLUSION**

For reasons above, the petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment (PCT/DO/EO/909) mailed 20 April 2007 was in error and is hereby **VACATED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision.



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